

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ARMAND WILLIAMS,

Plaintiff,

v.

ARAMARK CAMPUS LLC, et al.,

Defendants.

No. 1:23-cv-01082-ADA-SAB

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS

(ECF Nos. 5, 10, 18)

On July 19, 2023, Defendant Aramark Campus, LLC removed this action to federal court pursuant to 28 U.S.C. §§ 1331, 1441, and 1446. (ECF No. 1.) On July 26, 2023, Defendant filed a motion to dismiss this action. (ECF No. 5.) This matter was assigned to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 8, 2023, Defendant Kendall Wright<sup>1</sup> filed a joinder in Defendant Aramark's motion to dismiss as to the seventh and eleventh causes of action. (ECF No. 10.) On September 29, 2023, the assigned Magistrate Judge issued findings and recommendations, recommending that Defendants' motion to dismiss be granted with leave to amend certain claims, and without leave to amend others. (ECF No. 18.) Specifically, the Magistrate Judge recommended that: (1) Defendants' motion to dismiss Plaintiff's first, second, third, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fifteenth, and sixteenth causes of action be granted without

<sup>1</sup> Plaintiff erroneously spelled Defendant Kendall Wright as "Kendall White" in his complaint. (ECF No. 13 at 2 n.1.) The Court shall refer to the Defendant as Kendall Wright.

1 leave to amend; (2) Defendant Aramark's motion to dismiss Plaintiff's fourth and thirteenth  
2 causes of be granted with leave to amend; (3) Plaintiff's request for leave to amend to plead  
3 further negligence theories not contained in his complaint be denied; and (4) Defendant Kendall  
4 Wright be dismissed from this action with prejudice. (*Id.*) The findings and recommendations  
5 contained notice that any objections were to be filed within fourteen days after service. (*Id.* at  
6 21.) That deadline has passed, and no party has filed objections.


7 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a  
8 de novo review of this case. Having carefully reviewed the entire file, the Court concludes that  
9 the findings and recommendations are supported by the record and proper analysis.

10 Accordingly,

- 11 1. The findings and recommendations issued on September 29, 2023, (ECF No. 18),  
12 are ADOPTED in FULL;
- 13 2. Defendants' motion to dismiss, (ECF No. 5), is GRANTED as follows:
  - 14 a. Defendants' motion to dismiss Plaintiff's first, second, third, fifth, sixth,  
15 seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fifteenth, and  
16 sixteenth causes of action, is GRANTED without leave to amend;
  - 17 b. Defendant Aramark's motion to dismiss Plaintiff's fourth and thirteenth  
18 causes of action are GRANTED with leave to amend;
- 19 3. Plaintiff's request for leave to amend to plead further negligence theories not  
20 contained in his complaint is DENIED;
- 21 4. Defendant Kendall Wright is DISMISSED from this action with prejudice; and
- 22 5. Plaintiff shall file any amended complaint within twenty-one (21) days of entry of  
23 this Order.

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25  
26 IT IS SO ORDERED.

27 Dated: October 27, 2023

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UNITED STATES DISTRICT JUDGE